

REMARKS

Claims 3 and 4 have been cancelled. Claims 1-2 and 5-30 are pending.

Claim Rejections – 35 U.S.C. §103

The Examiner has rejected Claims 1, 2, and 5-30 under 35 U.S.C. §103(a) as being unpatentable over Blalock et al. (Pub. No. 2001/0047284) in view of Sheth (Pub. No. 2001/0032170). The rejections are respectfully traversed. On pages 2-3 of the July 21 2009 Office Action, the Examiner states:

As per claim 1, Blalock teaches a method of driving competition in an auction comprising:

...

c. assigning a first identifier to the bidders in the first subset; assigning a second identified [sic] to the bidders in the second subset (Blalock paragraph[0145], it can be seen that state or regional codes are used to identify both the rows (origin) and the columns (destination) that comprise the matrix ... a shipper can view the lowest mileage rate for a particular transportation zone as determined through bidding by participating carriers);

Paragraph [0145] of Blalock appears to be a description corresponding to Figures 11-1 through 11-4. In those figures, a matrix 132 has geographical regions as both row and column headings. Paragraph [0145] explains that the lowest rate for shipping from one region to another can be determined by locating the cell having the appropriate origin (row) and destination (column).

The Examiner thus appears to suggest that “Zone:AL” and “Zone:AR” (shown in Figure 11-1) are examples of the first and second identifiers recited in Claim 1. Applicants respectfully disagree. Claim 1 recites as a constraint on the first and second identifiers that the “first identifier is unknown to bidders in [a] second subset” and that “the second identifier is unknown to bidders in [a] first subset.” In contrast, in Blalock, “Zone:AL” and “Zone:AR” appear to merely be labels of geographic regions, and thus known by all parties at all times.

In addition, on Page 4 of the Office Action, the Examiner appears to address a claim limitation of "subset known to each bidder within the subset." Claim 1 does not recite "subset known to each bidder within the subset." Accordingly, Applicants do not understand why the Examiner included this statement on Page 4 and respectfully request that any future discussion of Claim 1 address the specific language of the Claim 1.

For the reasons provided above, Applicants do not believe that Blalock discloses a first and second identifier as recited in Claim 1 and therefore believe that Claim 1 is allowable. Independent Claims 12, 13, and 22 recite limitations similar to Claim 1 and are therefore also believed to be allowable.

Claims 2 and 5-11 are dependent from Claim 1 and are believed to be allowable for the same reasons described above.

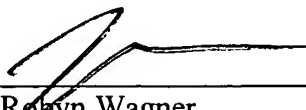
Claims 14-21 are dependent from Claim 13 and are believed to be allowable for the same reasons described above.

Claims 23-30 are dependent from Claim 22 and are believed to be allowable for the same reasons described above.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

Dated: 11/23/09



Robyn Wagner
Registration No. 50,575
V 408-973-2596
F 408-973-2595

VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014